IV

1949-50 **File No.** 3521/36

A CLASS Public Works DEPARTMENT
M. BRANCH

Subject: – Employment of Children Act (1938)

i) Rules under section 7 &
ii) Appointment of Inspectors under section 6 of — in respect of railways other than feudal railways.

M

File No. 3521/36 – IV

Std. Scott Slip 24-B

G.P.K.—J H 3 –50,000 – 5.54
C. R. G. D No. 2108, dated 22-6-22.]

Correspondence

Sectt 78 A e

DOCKET SHEET (B)

Subject:—

File No. 3521/36

P. W DEPT.

M BRANCH.

References:—

Date.	To whom sent.	Notes instructions,

GOVERNMENT OF INDIA.
MINISTRY OF LABOUR.

No.L.C.73(1)
Dated New Delhi, the 26th Sept. 1949.

From

N.M.Patnaik, Espuire, I.A.S.,
Deputy Secretary to the Government of India.

To

ALL PROVINCIAL GOVERNMENTS and STATE GOVERNMENTS.

Subject:- Resolutions adopted at the 3rd Session of the I.L.O. Industrial Committee on Inland Transport held at Brusses in May 1949.

.....

Sir,

I am directed to forward a copyof the Resolutions adopted at the third Session of the I.L.O. Inland Transport Committee for information. I am to request that the comments of the Provincial Government State Government and report on the action taken or proposed to be taken on the points with which the Provincial Government State Government may be concerned may kindly be forwarded to this Ministry as early as possible not later than 30th November, 1949.

Yours faithfully,

Sd/- N.M. Patnaik.
Deputy Secretary to the Government of India.

II. RESOLUTION CONCERNING PROTECTION OF YOUNG WORKERS ON INLAND WATERWAYS.

The Inland Transport Committee of the Internat..... Labour Organisation.

Having been convened by the Governing Body of the International Labour Office, and,

Having met in Brussels for its third Session from 18 to 27th May 1949,

Having considered the problem of protection of young workers occupied in inland waterways;

Having.....

Having considered and discussed Report III prepared by the office on the question, and,

Having further considered the desirability of protecting the life and health of young workers as set forth in the Resolution on the protection of children and young workers adopted by the International Labour conference in 1945, particularly as regards admission to employment in hazardous occupation, Adopts this 27th May 1949 the following resolution:

1. The work of children under 14 years of age should be prohibited in connection with the operation of vessels on inland waterways provided that :

(a) Where a higher minimum age of admission of regular employment has been established under national laws or regulations governing age of admission to employment or of school leaving, the higher standard should prevail and

(b) When circumstances permit, such minimum age of admission to employment should be progressively raised.

2. Where the minimum age of admission to employment varies as between neighbouring countries, inter governmental agreements should establish the minimum age of employment in operations on inland waterways subject to the jurisdiction of more than one such country.

3. The age of admission to employment on inland waterways in occupations involving hazard or responsibility should be established at an age higher than the general age of admission to employment, provided that;

(a) the age should be determined by the competent authority with the presumption that it should be 18 years unless circumstances justify a higher or lower age in accordance with the degree of hazard and responsibility involved; and

(b) such regulations should apply particularly to :

(i) the handling of winches and cranes, operations in navigation involving hazard and such loading or unloading

operation .....

operations as require undue physical strain for young workers; and

(ii) trimming, stocking, (particularly where hand-firing is concerned), and engineering operations.

4. (a) Medical examination, ~~prior~~ prior to employment, attestin to fitness for work, should be required for all young workers on inland waterways;

(b) The expense of such examination should not be placed upon the young person or his parents or guardians and could properly be considered a public charge.

5. In view of the difficulty of regulating hours of work and night work of young persons by special regulations not applicable to all workers on inland transport undertakings, the following provisions should govern rest for young workers under 18 years of age:

(a) a period of night rest should be provided for all young workers of at least 11 hours in 24 hours including the interval between 10 p.m. and 5 a.m.,

(b) in exceptional circumstances, the above period may be reduced to 9 hours provided equivalent compensatory rest is provided in the succeeding twenty-four hours period continuous with the succeeding night rest;

(c) further exceptions might be made to this general rule for young workers 16 years of age and over engaged in positions requiring continuous operation and established on a regular watch system provided they are given an uninterruped rest period of at least eight hours each day.

6. (a) A rest period of one day in seven on the average to be combined where possible with the preceding or following nightly rest, should be accorded to all young workers under 18 years of age engaged on inland waterways.

(b) Where such provision cannot be made, compensatory rest should be provided for young workers.

(c) Subject to the foregoing, the day of rest should when practicable fall on the normal day of rest as fixed by national law or custom.

7.....

.. ... Annual holidays with pay should be accorded to all young workers under 18 years of age employed on inland waterways of a minimum duration of 12 working days, taken continuously after the equivalent of one year of service, provided that

(b) More favourable treatment might be accorded to young workers of 16 years of age and under.

8. (a) Provision for inspection by suitably trained persons should be made to cover young workers on inland waterways by national laws and regulations; and

(b) appropriate arrangements should be made by the competent authority for records or other means of control to ensure effective application of the law.

IV. [illegible]

The Inland Transport Committee of the International Labour Organisation;

Having been convened by the Governing Body of the International Labour Office and

Having met in Brussels for its Third Session from 18 to 27 May 1949,

Having considered the problem of protection of young workers occupied in inland waterways,

Having considered and discussed Report III prepared by the Office on the question,

Having recognised the existence on inland waterways in certain countries of family undertakings in which particular circumstances may govern the work of children and young persons domiciled on board, and

Being convinced that these children and young persons are entitled to the same opportunities for education and moral development as other children;

Adopts this 27th day of May 1949, the following Resolution

1. The Governing Body of the International Labour Office is invited to suggest to the Governments of those countries

countries.....

countries particularly concerned with the problem of family undertakings the desirability of affording to young workers in such undertakings protection equivalent to that afforded other young workers under its legislation;

2. (a) The minimum age of entry of young persons into work in connection with the operation of vessels on inland waterways by such family undertakings should be the same as for all other undertakings; and

(b) Special emphasis should also be placed on regulations regarding minimum age for engaging in duties which may involve hazard for children and young workers, with the understanding that the application of such regulations should not prejudice the entry at a suitable age of young persons into such family undertakings.

V. RESOLUTION CONCERNING EDUCATIONAL OPPORTUNITY FOR CHILDREN OF BOATMEN DOMICILED ON BOARD.

The Inland Transport Committee of the International Labour Organisation;

Having been convened by the Governing Body of the International Labour Office and

Having met in Brussels for its Third Session from 18 to 27 May 1949,

Having considered the problem of protection of young workers occupied in inland waterways, and

Having considered and discussed Report III prepared by the office on the question,

Adopts this 27th day of May 1949 the following resolution :

1. The principle is affirmed that opportunities for general and vocational education equivalent to those normally available in the country should be assured to the children of boatmen on inland waterways on the provision of boarding a schools, special educational schemes for children usually domiciled on board, or any other measures as may be thought desirable;

2. The Governing Body of the International Labour Office is invited,

(a) .....

(a) to instruct the Office to continue its study of this question;

(b) to suggest to Governments that they maintain interest in and exchange information concerning this subject; and

(c) to call to the attention of U.N.E.S.C.O. the importance and the difficulties of making suitable educational provisions for these children and young persons.

VI. RESOLUTION CONCERNING TECHNICAL METHODS OF SELECTION OF WORKERS FOR THE INLAND TRANSPORT INDUSTRY.

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office and,

Having met in Brussels for its third Session from 18 to 27 May 1949,

Having considered, in accordance with the Resolution adopted at the Second Session in 1947, the problem of technical methods of selection of workers for the inland transport industry, which was next placed on the agenda for the Third Session of the Committee by the Governing Body, and

Having considered and discussed Report IV prepared by the Office on the question,

Adopts this 27th day of May 1949 the following Resolution:

1. As the application of technical methods for the selection of workers is still, in general, in the early stages of development, it would be desirable to organise an exchange of information concerning the experiments ~~third~~ tried in the different countries by undertakings in the inland transport industry. To this end, Governments and organisations of employers and workers, as well as all other parties interested in technical and other methods of selection, should be invited to provide the International Labour Office with all appropriate information on such methods and their efficacy, so that it may be

be.....b[illegible]

be circulated and be useful for future work of the Inland Transport Committee.

2. It would be desirable to encourage to the greatest possible extent co-operation between employers and workers' organisations when formulating technical methods of selectio

Below copies of a letter No. LV.S 73(1), dated the 26th September 1949 from the Government of India, Ministry of Labour, New Delhi, and Resolutions No. II, IV, V, and VI, accompanying it.

Very Urgent.

No. 396/49-B,
Labour Department,
Bombay Castle, 25th October 1949.

Forwarded to the Public Works Department with a request that a statement of the action taken or proposed to be taken on the points mentioned in the Resolutions may be forwarded to this Department so as to reach it not later than the 15th November 1949.

By order of the Governor of Bombay,

Sd/-
For Secretary to the Government of Bombay,
Labour Department.

MWM
24.10

3521/35
70429

M.B. P. W. D.

The Labour Deptt. wants to be informed of the action taken or proposed to be taken on the Resolutions concerning protection of young workers on the Inland Waterways adopted by the I.L.O. at its 3rd session at Brussels in May 1949. So far as ferries are concerned, it may be pointed out that all ferries on Provl. Roads are auctioned out and worked by contractors who make their own arrangements for their employe These employees under the terms and conditions of auction are not concerned with Govt.

2. With regard to the action taken or proposed to be taken in terms of the I.L.O. Resolutions in connection with protection of young workers employed on other inland waterway these papers may be shown u.o. to the Principal Officer, M.M. Deptt., for remarks, with a request to treat these papers as very urgent.

Id/.
21.11.49.

Very Urgent.
u.o.r. to the P.O., M.M.D.,
dt. the 23rd Nov. 1949.

SLK/18-4-56.
5.

Regarding Inland waterways.

This Department is concerned only with the Administration of the Inland Steam Vessels Act I of 1917. So far as is known there is no legislation nor are there any regulations regarding the employment in Inland Steam Vessels of children under the age of 15 or young workers under 18 years of age.

It would be very difficult to establish the precise extent, if any, of employment of such persons and children in Inland Steam Vessels, but from observations and other sources it would appear that only adult males are employed in this District.

As regards other forms of Inland Water Transport, non-mechanically propelled vessels do not come under the jurisdiction of this Department.

Sd/- A.B.Gibbins
CAPTAIN (I) R.I.N.
PRINCIPAL OFFICER.

No. 4864
Mercantile Marine Department,
Bombay, 26th November 1949.

n.o.r. to the Public Works Department, Bombay.

8521/36/60640.

M.B. P.W.D.

Please see the O.N. dated 21-11-49. As regards the young workers on the ferries, it may be stated that the ferries on the Provl. Roads, with which this Deptt. is concerned, are auctioned out to Contractors who make their own arrangements for their employees. This Deptt. is not, therefore, concerned with such young workers, if they are so employed.

2. With regard to young workers employed in Inland Steam Vessels, the P.O., M.M.D., has reported that, for the reason stated by him, it appears that only adult males are employed on the vessels in the Bombay Dist. As such no action on the resolutions of the I.L.O. seems necy. on the part of thi Deptt. The Labour Deptt, may be informed accordingly.

3. These papers may be shown U.O. to the Lab. Deptt. before an official reply is given to that Deptt.

Id/-
3-12-49.

Regarding 'A' a condition in the agreement can be introduced to prevent employment of young workers.

Id/-
5/12

u.o.r. to Lab. Deptt. dt. 6-12-49.

Lab. Deptt.
Seen and returned
Id/-
19/12/49

UOR to P.W.D. dt. 19-12-49.

SLK/18-4-56.

~~8521/36/L~~ [illegible]
[illegible]

~~H.E.~~ ~~D.C.D.~~

The draft put up for approval may issue.

2. The necessary action with regard to the D. Secy. (M.D.)'s note overleaf will be taken after issue of the draft.

Id/-
30-12-40.

Id/-
31/12

No.3521/36-M.

3521/36/86534
P. W. D.
B.C. (Bombay No. 1)
4th Jan. 1950.

To

The Secretary to the Govt. of Bombay,
Labour Deptt.

Subject:- Resolutions adopted at the 3rd Session of the I.L.O. Industrial Committee on Inland Transport held at Brussels in 1949.

With reference to your endt. No. 396/48-B, dt. 25-10-49, on the subject mentioned above, I am directed to state that no action is necy. on the Resolutions, refd to therein, so far as this Deptt. is concerned.

By order of the G. of B.

Id/-
30-12-49.

Id/-
31/12

SLK/18-4-56.
5.

No. 396/48-B.
Labour and Housing Department,
Bombay Castle, 19th January 1950

From

N.K. Dravid, Esquire, I.C.S.,
Secretary to the Government of Bombay,
Labour and Housing Department.

To

The Deputy Secretary to the Government of India,
Ministry of Labour,
New Delhi.

Subject:- Resolutions adopted at the 3rd Session of the I.L.C. Industrial Committee on inland Transport held at Brusels in May 1949.

Sir,

With reference to your letter No. L.C. 73(1) dated the 26th September 1949, on the above subject, I am directed to state that in the minor ports of Bombay and in the inland waterways, there is very litte trade. Most of the traffic handling work is done through contractors, who secure labour from a set of workers engaged and retained by them. The workers are drawn from a certain gre group of people and they are employed as far as possible without bread. This Government has, therefore, no report as such to make on the above Resolutions. I am to add that the Resolutions have been forware forwarded to the appropriate authorities for guidance and necessary action, whenever possible.

Yours faithfully,

Sd/-

for Secretary to the Government of Bombay,
Labour and Housing Department.

Copy forwarded to the Public Works Department with reference to its endorsement No. 184/48-M(P) , dated the 3rd January 1950, and letter No. 3521/36-M, dated the 4th January 1950, for necessary action, whenever possible.

SLK/16-4-56.
5.

M.B. 352/36/86334.
P. W. D.

Resubmitted with ref. to D.S (R & B)'s note dt the 7-12-49.

2. Attention is invited in this Con. to the O.N. dt. the 3-12-49. It will be seen that the workers on the ferries are employed by the contractors, who are by contract permitted to ply the ferries and that govt. has no ~~contract~~ control over these employers. In view of the D. Secy (R & B)'s note the contract agreement from will have to be amended suitably. Before the necessary condition is incorpeated in the agreement, it is desirable to obtain the remarks of the Local Officers in the matter. A copy of Resolution II of the I.L.O may be forwarded to all S.E.s of circle for remarks as per draft put up.

Id/-
14/2/50.

354/38/38334.

Below
Before extract from Resolution II adopted at the third session of the Inter international Labour organisation at Brussels regarding employment of young workers on Inland Waterways and protection to them.

.....

No. 3521/36-I. C. D.
D.O. (Bombay No.1)
24th Feb. 1938.

Extract
Copy forwarded to all D.Cs of circles for extract remarks.

2. It is considered desirable to incorporate a clause in the agreement re employment of young workers on the ferries in this state.

By order etc.

Id/-
14/2/38

GII/16-4-38.

Extract from Resolution II adopted at the third session of the International Labour Organisation at Brussels regarding empolyment of young workers on Inland Waterways and protection to them.

"1 . The work of children under 14 years of age should be prohibited in connection with the operation of vessels on inland waterways provided that :

(a) Where a higher minimum age of admission to regular employment has been established under national laws or regulations governing age of admission to employment or of school leaving, the higher standard should prevail and

(b) When Circumstances permit, such minimum age of admissic admission to employment should be progressively raised.

2. Where the minimum age of admission to employment varies as the between neighbouring countries, intergovermental agreements should establish the minimum age of employment in ex operations on inland waterways subject to the jurisdiction of more than one such country.

3. The age of admission to employment of inland waterways in occupations involving hazard or reponsibility should be established at an age higher than the general age of admission to employment, provided that;

(a) the age should be determined by the competent authority with the presumption that it should be 18 years unless circumstances justify a higher or lower age in accordance with the degree of hazard and responsibility involved; and

(b) such regulations should apply particularly to:

(i) the handling of winches and cranes, operations in navigation involving hazard and such loading or unloading operations as require undue physical strain for young workers; and

(ii) trimming, stocking, (particularly where hand-firing is concerned), and engineering operations.

4.(a) Medical examination, prior to employment, attesting to fitness for work, should be required for all young workers on inland waterways;

(b) The expense of such examination should not be placed upon the young person or his parents or guardians and could properly be considered a public charge.

5. In view of the difficulty of regulating hours of work and night work of young persons by special regulations not applicable to all workers on inland transport undertakings, the following provisions should govern rest for young workers under 18 years of age.

(a) a period of night rest sh ould be provided for all young workers of at least 11 hours in 24 hours including the interval between 10 p.m. and 5 a.m.

(b) in exceptional circumstances, the above period may be reduced to 9 hours provided equivalent compensatory rest is provided in the succeeding twenty-four hour period continuous with the succeeding night rest;

(c).....

(c) further exceptions might be made to this general rule for young workers 16 years of age and over engaged in positions requiring continuous operation and established on a regular watch system provided they are given an uninterrupted rest period of at least eight hours each day.

3. (a) A rest period of one day in seven on the average to be combined where possible with the preceding or following weekly rest, should be accorded to all young workers under 18 year of age engaged on inland waterways.

(b) Where exceptions cannot be made, compensatory rest should be provided for young workers.

(c) Subject to the foregoing, the day of rest should when practicable fall on the normal day of rest as fixed by national law or custom.

7. (a) Annual holidays with pay should be accorded to all young workers under 18 years of age engaged on inland inland waterways of a minimum duration of 12 working days, taken continuously after the equivalent of one year of service, provided that

(b) More favourable treatment might be accorded to young workers of 16 years of age and under."

No. 3521/36-W. Public Works Department,
Bombay Castle (Bombay No. 1)
24th February 1940.

Extract forwarded to all Superintending Engineers of Circles for remarks.

2. It is considered desirable to incorporate a clause in the agreement regarding employment of young workers on the ferries in this State.

By order of the Governor of Bombay,

Sd/-

for Deputy Secretary to the Government of Bombay,
Public Works Department.

3821/36/37032

U. D. E. H. D.

These ppr. related to the Resolutions adopted at the 3rd Session of the International Labour Organisation Industrial Committee on Inland Transport held at Brussels in May 1940. The Labour Deptt. had forwarded a copy of the Resolution to this Deptt. with a view to take action on the points with which this Deptt. is concerned. This Deptt. was concerned with Recn. No. II regarding Protection of young workers on Inland Waterways and hence the P.O.,U.I.D. was requested to offer his remarks in the matter. The P.O., U.I.D. had reported that only adult males are employed on the vessel in Bombay Dist. and there is not such regulation req. employment in Inland S.V. of Children under the age of 14 or young workers under 18 years of age.

2. This Deptt. being the administrative Deptt. in respect of enforcement of Rules under Bom. P. and I. vessels Act, 1923 it was considered necy. by Govt. vide the then D.O. (S.D.D)'s note at P. 13 ante that the ferry agreement from may be so amended as to prevent employment young workers in this field. Before incorporating such a clause, the C.Cs. were requested to offer remarks in the matter vide G.L. No. 3821/36-L, dt.2'39.

3. The reports of all the C.Cs. have since been recd. From the reports recd. from the C.Cs., it appears that the Govt's proposal of amending the ferry agreement from is supported by all the C.Cs. As regards minimum age for young workers majority of them pointed that it should be 18. As regards remaining clauses such as medical examination of the employees, hours of work, leave etc. their opinions differ. Of all the C.Cs. views expressed by C.I., C.C., D.C and E.C.C. are worth mentioning and they are as follows:-

In the opinion of the C.I., C.C.:-

1) No person below age of 18 should be employed in running a ferry where it is done by rowing.

2) They should be examined by registered medical practitioner .....

practitionerat cost of employer.

3) The working hours should be restricted to 10 hours or even less.

4) Rest priod of one day in a week should be granted and it should fall on normal day of rest.

5) Ferry agreement being generally leased on the basis of one year 15 days holiday with pay during the year may be granted to the employees.

The S.E., E.C., agrees with the S.E., S.C. in respect of clauses 1 and 2 above. In his opinion daily hours of work should not be more than 8. S. E., N.G.C. has stated that the minimum age should be 18 with 8 hours of work in a day in respect of occupation involving responsible work and in other cases it should be ~~18~~ 16 with 7 hours of work in a day.

4. In the light of above proposals the following clauses may be incorported in the ferry agreement form:-

1) No person below 18 shoubd be employed on a ferry.

2) Every person employed in this work should be medically examined by a registered medical practitioner at the cost of employer.

5. It may be stated that the workers on the ferries are employed by the contractors who are by contract permitted to ply the ferries and that Govt. has no direct control over these employees. In the circumstances, it does not seem possible to enforce strictly clauses reg. hours of work and ~~not~~ rest period.

6. In this connection it may be stated that the Legal Deptt. has brought to the notice of Govt. that the ferry agreement form as it stands is defective and legally unsound. In the circumstances, general question of revising the form once for all is being taken up in file No. 3268/48. In view of this final orders on these proposals ~~kx~~ may be taken up into consideration at the time of finalising the form.

Id/-
31-7-50.

For.....

For economic reasons I think the age limit of 16 will be more suitable than that of 18 and the majority of S.Es. have also recommended this age.

2. It will be impracticable to enforce any other of the conditions. As the ferries are situated at times in a far off places medical examination of the ferry employees may prove to be difficult to carry out and I think for the pr esent we need not ~~inks~~ insist on it.

Id/- 5/8/ B. K.C.

The suggestion of applying to ferries conditions relating to hours of work, annual holiday, rest period etc is not well concerned, because ferries ply only in the monsoon in most cases, and the work is intermittent and not steady and fixed as in "inland waterways" ~~Emp~~ (where boats ply for miles.).

Id/- 5/8/ G.V.B

~~SKY/20/~~

SLK/20-4-56.
5.

Navy action may be taken on file No.3268/48 reg. revision of Ferry Agreement Form

K.V. Nargi
7/11/50